THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.22572 of 1998

ORAL ORDER:

This writ petition is filed seeking a Certiorari to call for the records relating to and connected with proceedings of the 4th respondent dated 23.2.1998 and quash the same as arbitrary and illegal.

It appears, petitioner joined as Grade-II Sanskrit Pandit in the fourth respondent School on 27.10.1976. When he applied for automatic advance increment scheme, though his case was recommended by the fourth respondent, but rejected by the third respondent on the ground that he has not completed 10 years of service as on 1992. Petitioner again made a representation and again proposals were resubmitted. It is the contention of the petitioner that the fourth respondent did not evince any interest in sending the proposals. Therefore, he applied for leave to the fourth respondent through the Headmaster on 9.3.1995. Since the petitioner does not have much leave to his credit, he requested the fourth respondent to grant leave with or without pay. The Headmaster struck the words 'with pay' without his knowledge. Later on, on verification, petitioner found that there were 15 days earned leave to his credit. Therefore, petitioner joined duty on 31.3.1995 as his representation for sanction of automatic advancement scheme was sanctioned by the third respondent by order dated 30.3.1995. Petitioner's presence was marked in the attendance register on 31.3.1995 and he worked during that day. Since 1.4.1995 and 2.4.1995 being public holidays, petitioner attended to duty on 3.4.1995, and he was again asked to give joining report from 3.4.1995. Petitioner protested against Headmaster before third respondent. The third respondent did not take any action, thereafter petitioner was issued with a charge sheet stating that he is in the habit of sending fictitious and false petitions without any basis and thereby downgrading the image of the institution. A detailed enquiry was conducted after giving opportunity to the petitioner. Even in the explanation submitted by the petitioner, he used un-parliamentary language. However, management has taken a lenient view of the matter and imposed punishment of stoppage of three annual increments with cumulative effect

commencing from the year 1998. Aggrieved by the same, the present writ petition is filed. Though an appeal lies against the said order, since the second respondent himself submitted enquiry report, it cannot be said that the writ petition directly is not maintainable.

Having perused the impugned proceedings and other material made available on record, I am of the opinion that being a Sanskrit Teacher, petitioner indulged in nefarious activities like sending false and fictitious petitions to the Director of School Education and other Officers. The enquiry was conducted after giving due opportunity to the petitioner by issuing a show cause notice. The petitioner, instead of submitting explanation properly, again used un-parliamentary language in the explanation submitted to the authorities. Therefore, it cannot be said that the punishment imposed i.e. stoppage of three annual increments with cumulative effect is disproportionate to that of the misconduct alleged against the petitioner. However, I am of the opinion that the punishment of stoppage of three annual increments with cumulative effect against the petitioner shall not be taken into consideration for the purpose of determining the retiral benefits, such as, pension, gratuity and other terminal benefits.

With the above observation, the writ petition is disposed of. No order as to costs.

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C.V.RAMULU, J

Date: 13.6.2007

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W.P.No.22572 of 1998

13.6.2007

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.22572 of 1998

Date: 13th June, 2007

Between:

V.Arunachalam

.. Petitioner

And

Director of School Education,
Hyderabad & others.

.. Respondents